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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE STATE OF CALIFORNIA; THE STATE OF CONNECTICUT; THE STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; THE STATE OF HAWAII; THE STATE OF ILLINOIS; THE STATE OF MARYLAND; THE STATE OF MINNESOTA, BY AND THROUGH ITS DEPARTMENT OF HUMAN SERVICES; THE STATE OF NEW YORK; THE STATE OF NORTH CAROLINA; THE STATE OF RHODE ISLAND; THE STATE OF VERMONT; THE COMMONWEALTH OF VIRGINIA; THE STATE OF WASHINGTON,

Plaintiffs,

V.

ALEX M. AZAR, II, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH & HUMAN
SERVICES, et al.,

Defendants.

Case No. 4:17-CV-05783-HSG

**BRIEF OF AMICI CURIAE THE
CENTER FOR REPRODUCTIVE
RIGHTS, THE LAWYERS'
COMMITTEE FOR CIVIL RIGHTS
UNDER LAW, AND TEN CIVIL
RIGHTS ORGANIZATIONS IN
SUPPORT OF PLAINTIFFS MOTION'
FOR SUMMARY JUDGMENT**

Hon. Haywood S. Gilliam, Jr.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2
3 PLEASE TAKE NOTICE that the Center for Reproductive Rights, the
4 Lawyers' Committee for Civil Rights Under Law, the California Women's Law
5 Center, GLBTQ Legal Advocates & Defenders, LatinoJustice PRLDEF, Lawyers
6 for Civil Rights, Legal Momentum, Legal Voice, the Mississippi Center for Justice,
7 the National Center for Lesbian Rights, Public Counsel, and the Women's Law
8 Project (collectively, "*Amici*") request the Court's leave to file, as
9
10 *amicus curiae*, a brief in support of the Motion for Summary Judgment filed by
11 Plaintiffs on April 30, 2019. *Amici's amicus* brief is attached to this Motion as
12 Exhibit A.

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14 This Motion is based on this Motion, the accompanying Memorandum in
15 support thereof, Exhibit A thereto, the Proposed Order Granting Motion for Leave
16 to Appear as *Amici Curiae* and to File an *Amicus* Brief, the pleadings and other
17 papers on file herein, and such other written and oral argument as may be presented
18 to the Court.

1 **I. STANDARD**
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3 The Court has broad discretion to permit a non-party to participate in an action
4 as *amicus curiae*. *See, e.g. Gerritson v. de la Madrid Hurtado*, 819 F.2d 1511, 1514
5 n.3 (9th Cir. 1987); *see also Io Grp., Inc. v. Veoh Networks, Inc.*, No. C06-03926
6 HRL, 2007 WL 2433385, at *1 (N.D. Cal. Aug. 22, 2007) (“The district court has
7 broad discretion to appoint amici curiae.”). *Amici* submit that their brief offers
8 “useful” and “desirable” information meriting “[t]he privilege of being heard [as]
9 *amicusIn Re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991) (citing
10 *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990)). The proposed
11 *amicus* brief is not duplicative of Plaintiffs’ moving briefs and offers the Court a
12 unique perspective on “legal issues that have potential ramifications beyond the
13 parties directly involved[.]” *Sonoma Falls Dev., LLC v. Nev. Gold & Casinos, Inc.*,
14 272 F. Supp. 2d 919, 925 (N.D. Cal. 2003) (quoting *Cobell v. Norton*, 246 F. Supp.
15 2d 59, 62 (D.D.C. 2003)). “District courts frequently welcome *amicus* briefs” in
16 these circumstances. *Id.*

17 **II. IDENTITY AND INTEREST OF AMICI CURIAE**
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19 *Amici* the Center for Reproductive Rights, the Lawyers’ Committee for Civil
20 Rights Under Law, the California Women’s Law Center, GLBTQ Legal Advocates
21 & Defenders, LatinoJustice PRLDEF, Lawyers for Civil Rights, Legal Momentum,
22 Legal Voice, the Mississippi Center for Justice, the National Center for Lesbian
23 Rights, and the National Women’s Law Center.

1 Rights, Public Counsel, and the Women's Law Project are leading national and
2 regional civil rights and equal justice organizations that litigate in state and federal
3 courts to protect constitutional rights for all. *See* descriptions of amici curiae in
4 Appendix A to Exhibit A.

5
6 Collectively amici have a shared interest in ensuring that our federal
7 government is held accountable to two basic constitutional obligations: It must
8 afford all people equal treatment under the law and it cannot impose laws that
9 disfavor individuals who seek to exercise their fundamental constitutional rights.
10 Amici submit this brief to urge the Court to consider how the rules challenged in this
11 case violate both of these core constitutional guarantees, and, in so doing, further
12 entrench the systemic and structural barriers to individual self-determination and
13 equal participation in social, political, and economic life experienced by women,
14 including women of color who are disproportionately low-income, and others who
15 face multiple forms of discrimination.

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20 **III. CONCLUSION**

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22 For the reasons set forth above, *Amici* respectfully request this Court's leave
23 to file the accompanying amicus brief in support of Plaintiffs' Motion for Summary
24 Judgment.

25
26 Dated: May 7, 2019

27 By: /s/ Jon Greenbaum

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system on May 7, 2019, which will automatically send notification and a copy of the brief to the counsel of record for the parties. I further certify that all parties to this case are represented by counsel of record who are CM/ECF participants.

Dated: May 7, 2019

By: /s/ Jon Greenbaum
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